

REMARKS

Claims 1, 3-4, 6-9, 11-12, 14-17 and 19-25 are pending in the application. The Office Action having a mailing date of May 17, 2007 rejected claims 1, 3-4, 6-9, 11-12, 14-17 and 19-22, and objected to claims 23-25. Applicants respectfully request reconsideration of the above-identified claims in view of the following Claim Amendments, Examiner Interview, and the following Remarks. Applicants present no amendments to the specification at this time. Applicants herewith amend claims 1, 7, 9, 15, 17 and 22. Applicants also herewith cancel claims 8, 16 and 20.

The Office Action states that claims 23-25 are allowable subject matter if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

A telephonic Examiner Interview was conducted on August 2, 2007, in regard to the above-referenced application. The participants to the interview included Examiner Burton Mullins and Applicants' Patent Attorney Jeffrey Wax. No exhibits were utilized during the interview. The Office Action cited references were discussed including, Dunfield (U.S. Patent 5,694,268), Lieu (U.S. Patent 6,844,636), and MacLeod (U.S. Patent 6,282,053). Applicants' pending claims were also discussed. Jeffrey Wax and Examiner Mullins discussed proposed language to more clearly define the word "minimizing."

Claims Rejected under 35 U.S.C. § 102

The Office Action cited Dunfield reference:

The Office Action rejects claims 1, 7-9, 15-17 and 22 under 35 U.S.C. 102(b) as being anticipated by Dunfield (U.S. Patent 5,694,268). Regarding Applicant's independent claims 1, 9 and 17, the Office Action states that Dunfield teaches a base plate axial thickness minimized adjacent to the separation, since the base is thinner adjacent the separation than an outside perimeter thereof.

Applicants traverse the claims rejection. In order to serve as a §102 reference, the reference must teach every aspect of the claimed invention either explicitly or impliedly (MPEP §706.02). The cited reference Dunfield has not done so for at least the following reasons.

In contrast to Applicant's claimed invention (independent claims 1, 9 and 17), Dunfield does not minimize the base plate like Applicants' claimed invention. However, to more clearly recite Applicants' claimed invention, Applicants amend claim 1 to recite:

“...wherein the base plate axial thickness is minimized adjacent to the separation by a recess defined within a radially extending portion of the base plate, and wherein a portion of the stator is positioned within the recess.” (Applicants' amended claim 1, in part, emphasis added.)

The lower surface of the base 266 (Fig. 9) in Dunfield is not minimized like the present invention such that the base plate axial thickness is minimized adjacent to a separation by a recess defined within a radially extending portion of the base plate. Dunfield does not teach all limitations of Applicants' claims 1, 9 and 17, as amended.

The Office Action cited Lieu reference:

The Office Action rejects claims 1, 3, 7, 9, 15, 17 and 22 under 35 U.S.C. 102(e) as being anticipated by Lieu (U.S. Patent 6,844,636). Regarding Applicant's independent claims 1, 9 and 17, the Office Action states that Lieu discloses a base plate axial thickness minimized adjacent to the separation.

Applicants traverse the claims rejection. Lieu does not teach every aspect of the claimed invention either explicitly or impliedly. Lieu does not minimize the base plate like Applicants' claimed invention. Lieu teaches an enlarged area in the baseplate for forming enlarged holes to lock the stator to the baseplate (Lieu, col. 9, lines 13-17). However, to more clearly recite Applicants' claimed invention (amended independent claims 1, 9 and 17), Applicants amend claim 1 to recite:

“...wherein the base plate axial thickness is minimized adjacent to the separation by a recess defined within a radially extending portion of the base plate, and wherein a portion of the stator is positioned within the recess.” (Applicants' amended claim 1, in part, emphasis added.)

The stator 41 (Fig. 4) in Lieu is not positioned within a recess like the present invention such that a portion of the stator is positioned with a recess defined within a radially extending portion of the baseplate. Lieu does not teach all limitations of Applicants' claims 1, 9 and 17, as amended.

The Office Action cited MacLeod reference:

The Office Action rejects claims 1, 7-9, 14, 16-17, 20 and 22 under 35 U.S.C. 102(e) as being anticipated by MacLeod (U.S. Patent 6,282,053). Regarding Applicant's independent claims 1, 9 and 17, the Office Action states that MacLeod discloses a base plate axial thickness minimized adjacent to the separation.

Applicants traverse the claims rejection. MacLeod does not teach every aspect of the claimed invention either explicitly or impliedly. In contrast to Applicant's claimed invention (independent claims 1, 9 and 17), MacLeod does not minimize the base plate like Applicants' claimed invention. However, to more clearly recite Applicants' claimed invention, Applicants amend claim 1 to recite:

“...wherein the base plate axial thickness is minimized adjacent to the separation by a recess defined within a radially extending portion of the base plate, and wherein a portion of the stator is positioned within the recess.” (Applicants' amended claim 1, in part, emphasis added.)

The baseplate 100 (Figs. 7 and 8) in MacLeod is not minimized like the present invention such that the base plate axial thickness is minimized adjacent to a separation by a recess defined within a radially extending portion of the base plate. MacLeod does not teach all limitations of Applicants' claims 1, 9 and 17, as amended.

Claims Rejected Under 35 U.S.C. § 103(a)

The Office Action rejects claims 6, 14 and 21 under 35 U.S.C. 103(a) as being unpatentable over any one of Dunfield (U.S. Patent 5,694,268), Lieu (U.S. Patent 6,844,636), or MacLeod (U.S. Patent 6,282,053).

The Office Action also rejects claims 3-4, 11-12 and 19 under 35 U.S.C. 103(a) as being unpatentable over any one of Dunfield (U.S. Patent 5,694,268) or MacLeod (U.S. Patent 6,282,053) and further in view of Nakamura (U.S. Patent 5,490,319).

Applicants traverse the claims rejection to show that obviousness is not established. Features of Applicants' claimed invention are not taught or suggested by the references either individually or combined. Further, there is no suggestion or motivation either in the references or in knowledge generally available to one of ordinary skill in the art to modify the references or combine the references as stated.

These 35 U.S.C. 103(a) claims rejections reject dependent claims, and since it is submitted that the independent claims as amended overcome the references, it is further submitted that the dependent claims overcome the rejections. Further, Applicants submit that there is no teaching or suggestion either individually, or combining the references to form a united base plate, stator and motor seal, wherein the stator is situated radially outside the magnet, wherein the base plate axial thickness is minimized adjacent to the separation by a recess defined within a radially extending portion of the base plate, and wherein a portion of the stator is positioned within the recess.

Dependent Claims 3-4, 6-7, 11-12, 14-15, 19, and 21-25

It is submitted that Applicants' dependent claims 3-4, 6-7, 11-12, 14-15, 19, and 21-25 are allowable for at least the reasons stated above with regard to the independent claims. Further, Applicants' dependent claims recite further features and combinations of features that are patentably distinct and not taught or suggested by Dunfield, Lieu, MacLeod and Nakamura even as combined.

CONCLUSION

In view of the foregoing, it is submitted that claims 1, 3-4, 6-7, 9, 11-12, 14-15, 17, 19, and 21-25 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If the Examiner believes a telephone conference would be useful in moving the case forward, please contact the undersigned at Tel. (310) 312-1500.

Respectfully submitted,
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 17, 2007.

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